

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
\$45,000.00 IN U.S. CURRENCY SEIZED)	
ON MAY 21, 2019, PURSUANT TO THE)	
EXECUTION OF A FEDERAL SEARCH)	
WARRANT,)	
)	
\$35,000.00 IN U.S. CURRENCY SEIZED)	
ON MAY 21, 2019, PURSUANT TO THE)	
EXECUTION OF A FEDERAL SEARCH)	
WARRANT,)	
)	
Defendants.)	COMPLAINT IN FORFEITURE

NOW COMES plaintiff, the United States of America, by Justin E. Herdman, United States Attorney for the Northern District of Ohio, and Henry F. DeBaggis, Assistant U.S. Attorney, and files this Complaint in Forfeiture, respectfully alleging as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

JURISDICTION AND INTRODUCTION

1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. Section 1345, and over an action for forfeiture under 28 U.S.C. Section 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. Section 881(a)(6).

2. This Court has *in rem* jurisdiction over the defendants currency pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1355(b)(1)(B), incorporating 28 U.S.C. Section 1395, because the action accrued in this district.

3. Venue is proper in this district pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1395 because the action accrued in this district.

4. This Court will have control over the defendants \$45,000.00 and \$35,000.00 in U.S. Currency (“Defendants U.S. Currency”) through service of an arrest warrant *in rem*, which the U.S. Postal Inspection Service will execute upon Defendants U.S. Currency. *See*, Supplemental Rules G(3)(b) and G(3)(c).

5. Defendants U.S. Currency were both seized on May 21, 2019, by the U.S. Postal Inspection Service (“USPIS”) pursuant to the execution of federal search warrants and Defendants U.S. Currency are now in the custody of the federal government.

6. The USPIS commenced an administrative forfeiture proceeding against Defendants U.S. Currency. A claim to both Defendants U.S. Currency was submitted in the administrative forfeiture proceedings by Noelia Dones, thereby requiring the filing of this judicial forfeiture action.

7. Defendants U.S. Currency are subject to forfeiture to the United States under 21 U.S.C. Section 881(a)(6) in that they constitute proceeds from illegal drug trafficking activities, and/or were used or were intended to be used in exchange for illegal controlled substances, and/or were used or were intended to be used to facilitate illegal drug trafficking activities.

FORFEITURE

8. The U.S. Mail commonly is used by drug traffickers to send illegal controlled substances - as well as U.S. currency derived from the distribution of illegal controlled substances, either as payment or proceeds - because they know that the U.S. Mail (including Priority Express and Priority Mail) is protected against inspection without a federal search warrant. Further, by using Priority Express and Priority Mail, drug traffickers can track the parcels and have an expected delivery in one or two business days.

9. Puerto Rico is a common origination area for controlled substances sent through the U.S. Mail with the Northern Ohio area being a common destination point; consequently, Puerto Rico is a common destination point for drug proceeds sent through the U.S. Mail.

10. On May 20, 2019, while conducting parcel interdiction at the Cleveland, Ohio General Mail Facility in Postal Service databases, Postal Inspectors identified two (2) U.S. Postal Service Priority Mail Express parcels which met the initial suspicious characteristics of narcotics related mailings. The parcels are further described as:

- a. A white USPS Priority Mail Express box weighing approximately 4 pounds and 10 ounces bearing tracking no. EE370820408US addressed to Keisha Dejesus, Ext. Tamarindo, G8 Calle 14, San Lorenzo, PR 00754 and bearing a return address of Noelia Dones, 2085 W 91, Cleveland, OH 44102; and
- b. A USPS Priority Mail Express parcel weighing approximately 4 pounds and 15 ounces bearing tracking no. EE370820411US addressed to Keisha Dejesus, Ext. Tamarindo, G8 Calle 14, San Lorenzo, PR 00754 and bearing a return address of Noelia Dones, 2085 W 91, Cleveland, OH 44102.

11. On May 21, 2019, at the Cleveland, Ohio General Mail Facility, the parcels were subjected to a narcotics detection canine (Ciga). Ciga – who was handled by a detective with the Cuyahoga County Sheriff's Department - gave a positive alert on both parcels. According to the

detective, these positive alerts mean that Ciga detected the odor of an illegal drug emanating from each of the parcels.

12. On May 21, 2019, federal search warrants were obtained and executed on the parcels. Upon opening the subject parcel described in paragraph 10(a), U.S. Postal Inspectors found the defendant \$45,000.00 in U.S. Currency and opening the subject parcel described in paragraph 10(b), U.S. Postal Inspectors found the defendant \$35,000.00 in U.S. Currency.

13. Defendants \$45,000.00 in U.S. Currency and \$35,000.00 in U.S. Currency were both inside ziplock bags and concealed in black carbon paper and dryer sheets.

14. Vacuum sealed food saver bags and dryer sheets are used to conceal the scent of illegal controlled substances.

15. There were no handwritten notes, receipts, or instructions with Defendants U.S. Currency inside either of the parcels. From their training and experience, U.S. Postal Inspectors know that individuals who traffic in illegal controlled substances rarely include any type of instruction with the illegal proceeds - unlike legitimate business transactions or personal gifts, with respect to which notes, letters, or receipts are included with the cash or monetary instruments.

16. The breakdown of the defendant \$45,000.00 in U.S. Currency in the parcel described in paragraph 10(a) was as follows: 162 (\$100 bills), 135 (\$50 bills), 1,102 (\$20 bills), and 1 (\$10 bill) and the breakdown of the defendant \$35,000.00 in U.S. Currency in the parcel described in paragraph 10(b) was as follows: 50 (\$100 bills), 39 (\$50 bills), 1,402 (\$20 bills), and 1 (\$10 bill).

17. Defendants U.S. Currency consisted mainly of \$20 bills, making up \$50,080.00 of the total \$80,000.00 recovered. Narcotics traffickers are known to use low denomination

currency to conduct their business. U.S. Postal Inspectors have found that narcotic payments mailed back to a drug source city, in most instances, have a large quantity of \$20 denomination bills.

18. On May 21, 2019, the USPIS initiated an administrative forfeiture of Defendants U.S. Currency.

19. On May 23, 2019, a male caller identifying himself as Noelia Dones called the post office at 1-800-ASK-USPS and inquired about Priority Express parcels EE370821411US and EE370820408US. The caller stated he wanted an update on his Express Mail packages and requested that customer service contact the facility and notify him of any findings as soon as possible.

20. On May 31, 2019, query results were received by USPIS which concluded that the recipient of the defendants parcels, Keisha DeJesus, could not be identified with the recipient address of G8 Calle 14 San Lorenzo, PR 00754; however, it was determined that Ricardo Velez was receiving mail at G8 Calle 14 San Lorenzo, PR 00754.

21. On or about June 1, 2019, a male caller identifying himself as Noelia Dones contacted the post office and wanted to know why his packages were just sitting in San Juan, Puerto Rico for three days and had not been delivered. During the call, the caller stated that the packages contained "a few vitamins and canned goods and stuff like that."

22. On June 13, 2019, a male caller identifying himself as Noelia Dones contacted the post office in Akron and inquired about the whereabouts of his packages. Dones was advised that his information would be passed on to the appropriate party and he would receive a call back for further investigation. Dones provided phone number 216-456-XXXX.

23. On June 13, 2019, Postal Inspector Johnson, while acting in an undercover capacity as a Customer Relations Representative called phone number 216-456-XXXX and a male answered the phone and identified himself as Noelia Dones. Dones provided the tracking numbers for U.S. Postal Service Priority Mail Express parcels EE370820408US and EE37082041US and he wanted to know why his packages were being held in Akron, Ohio based on his tracking queries. When questioned about the contents of the packages, Dones stated that he only mailed canned goods and packaged them with cardboard on the top and bottom of the boxes for security to prevent the boxes from being damaged during the mail processing.

CONCLUSION

24. By reason of the foregoing, Defendants \$45,000.00 and \$35,000.00 in U.S. Currency are subject to forfeiture to the United States under 21 U.S.C. § 881(a)(6) in that they constitute proceeds from illegal drug trafficking activities, and/or were used or were intended to be used in exchange for illegal controlled substances, and/or were used or were intended to be used to facilitate illegal drug trafficking activities.

WHEREFORE, plaintiff, the United States of America, requests that this Court enter judgment condemning Defendants U.S. Currency and forfeiting the currency to the United States, and providing that Defendants U.S. Currency be delivered into the custody of the United States for disposition according to law, and for such other relief as this Court may deem proper.

Respectfully submitted,

Justin E. Herdman
U.S. Attorney, Northern District of Ohio

By:




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VERIFICATION

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)


I, Henry F. DeBaggis, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and the attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.


Henry F. DeBaggis (OH: 0007561)
Assistant United States Attorney

Sworn to and subscribed in my presence this 1 day of October, 2019.



DIANE SCHNEIDER
NOTARY PUBLIC
STATE OF OHIO
COMM. EXPIRES
3-9-2022
RECORDED IN
CUYAHOGA COUNTY


Notary Public